

MARZCO/T

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MANUFACTURERS AND TRADERS  
TRUST COMPANY, as Successor Indenture  
Trustee for the 7.75% Contingent Convertible  
Notes Due 2015 issued by Calpine  
Corporation,

Plaintiff,

-against-

HSBC Bank USA, National Association, as  
Successor Indenture Trustee for the 7.625%  
Senior Notes Due 2006, the 8.75% Senior  
Notes Due 2007, the 8.75% Senior Notes Due  
2008, and the 7.75% Senior Notes Due 2009  
issued by Calpine Corporation,

- and -

U.S. BANK NATIONAL ASSOCIATION,  
as Indenture Trustee for the 10.50% Senior  
Notes Due 2006 issued by Calpine  
Corporation,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 4/2/08

ECF Case  
CASE NO. 08-CV-03093 (VM)

**STIPULATION AND AGREED ORDER**

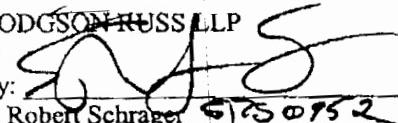
**STIPULATION AND AGREED ORDER**

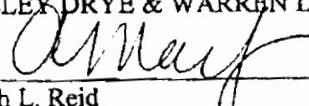
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
counsel for Plaintiff and Defendants, that the time for Defendant HSBC Bank USA, National  
Association ("HSBC") and Defendant U.S. Bank National Association ("U.S. Bank") to answer,  
move or otherwise respond to the Complaint is extended to and including April 14, 2008.

IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiff and Defendants, that service of process of the Summons and Complaint on Defendants HSBC and U.S. Bank was proper and was made on March 11, 2008.

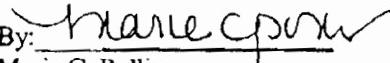
Dated: April 1, 2008  
New York, New York

Respectfully submitted,

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*Attorneys for Defendant U.S. Bank  
National Association*

So Ordered this 2<sup>nd</sup> day of April, 2008



United States District Judge  
**Victor Marrero**

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